

EXHIBIT F - PART 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
DONNY A. SINKOV, as Administrator of the
Estate of SPENCER E. SINKOV, deceased,
DONNY A. SINKOV and HARA SINKOV,

Plaintiffs,

-against-

DONALD B. SMITH, individually and in his
official capacity as Sheriff of Putnam
County, JOSEPH A. VASATURO, individually,
LOUIS G. LA POLLA, individually, THE COUNTY
OF PUTNAM, NEW YORK, and AMERICOR, INC.,

Defendants.

-----x
222 Bloomingdale Road
White Plains, New York
January 7, 2008
10:13 a.m.

EXAMINATION BEFORE TRIAL of JOSEPH A.
VASATURO, a Defendant in the above-captioned
matter, held pursuant to Notice at the above
time and place, before a Notary Public of the
State of New York.

Tracy Smith,
Shorthand Reporter

COMPU-TRAN SHORTHAND REPORTING

1
2 IT IS HEREBY STIPULATED AND AGREED,
3 by and between the attorneys for the respective
4 parties hereto, that the sealing and filing of
5 the within deposition be waived; that such
6 deposition may be signed and sworn to before any
7 officer authorized to administer an oath with
8 the same force and effect as if signed and sworn
9 to before a Justice of this Court.

10
11 IT IS FURTHER STIPULATED AND AGREED
12 that all objections, except as to form, are
13 reserved to the time of trial.

14
15 IT IS FURTHER STIPULATED AND AGREED
16 that the within examination and any corrections
17 thereto may be signed before any Notary Public
18 with the same force and effect as if signed and
19 sworn to before this Court.

COMPU-TRAN SHORTHAND REPORTING

2 APPEARANCES:

3
4 LOVETT & GOULD, LLP
Attorneys for Plaintiffs
222 Bloomingdale Road
White Plains, New York 10605
5 BY: KIM BERG, ESQ.

6
7
8 MIRANDA, SOKOLOFF, SAMBURSKY, SLONE,
VERVENIOTIS, LLP
Attorneys for Defendant -
DONALD B. SMITH
The Esposito Building
240 Mineola Boulevard
Mineola, New York 11501
9 BY: ADAM I. KLEINBERG, ESQ.

10
11
12
13 SANTANGELO, RANDAZZO & MANGONE, ESQS
Attorneys for Defendants -
LOUIS G. LA POLLA
JOSEPH A. VASATURO
COUNTY OF PUTNAM
151 Broadway
Hawthorne, New York 10532
14 BY: JAMES A. RANDAZZO, ESQ.

15
16
17
18
19 WILSON, ELSE, MOSKOWITZ, EDELMAN &
DICKER, LLP
Attorneys for Defendant -
AMERICOR
3 Gannett Drive
White Plains, New York 10604-3407
20 BY: TIMOTHY P. COON ESQ.

21
22
23
24 ALSO PRESENT: Donny Sinkov
Donald Smith
Louis LaPollo
25

COMPU-TRAN SHORTHAND REPORTING

1
2 JOSEPH A. VASATURO,
3 having been duly sworn by Tracy Smith,
4 a Notary Public within and for the State
5 of New York, was examined and testified
6 as follows:

7
8 oOo
9

10 EXAMINATION BY MS. BERG:

11 Q. State your name and address for
12 the record, please.

13 A. Joseph A. Vasaturo, 3 County
14 Center, Carmel, New York 10512.

15 Q. I'm Kim Berg. I represent Donny
16 Sinkov and Hara Sinkov in connection with a
17 lawsuit that was brought against yourself,
18 Louis LaPollo and the Sheriff Smith and the
19 County of Putnam.

20 I'm going to be asking you some
21 questions. What I want you to do is let me
22 know if there's anything I say that you do
23 not understand.

24 Also, please verbalize your
25 responses so they can be taken down for

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

purpose of a transcript.

Try to let me finish my complete question before you begin framing your answer so that our reporter can take everything down accurately.

If you gave an answer during the deposition that you feel is incorrect or incomplete, interrupt me at any point in time. We'll let you modify your answer. Make sure you do that before you leave here today so we have a complete and accurate transcript.

Do you understand all those instructions?

A. Yes, I do.

Q. Can you describe your educational background?

A. High school diploma.

Q. Do you have any post high school degrees or certificates?

A. Correction school.

Q. When did you go to correction school?

A. 2003.

COMPU-TRAN SHORTHAND REPORTING

6

JOSEPH A. VASATURO

Q. When did you receive your high school diploma?

A. 1995.

Q. When you say correction school, can you describe for me specifically what that entails?

A. It's an academy. Approximately, two months.

Q. Did you go there in connection with any position of employment?

A. With employment at the Putnam County Correctional Facility.

Q. During that two-month training, did you attend a training facility, or did you report to the correctional facility?

A. I attended Dutchess County Training Facility.

Q. Was it full-time for that two months period?

A. Yes, ma'am.

Q. Are you currently employed?

A. Yes, ma'am.

Q. In what capacity?

A. Correctional Officer, Putnam

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

County Correctional Facility.

Q. For how long have you held that position?

A. Approximately, five and a half years.

Q. Do you recall your start date?

A. I believe it was August of '02.

Q. For how long did you work at the Putnam County Correctional Facility before you went to correction school?

A. Approximately, a year and a half.

Q. Do you recall why it was that you went to correction school approximately a year and a half after you were hired?

A. It was common practice. I'm not sure why it was a year and a half after. That's when they sent us.

Q. When you say it's "common practice," it's your understanding that correction officers commonly will attend the correction academy?

A. Yes, ma'am.

Q. In your experience, is it common that the correction officers at Putnam

COMPU-TRAN SHORTHAND REPORTING

8

JOSEPH A. VASATURO

County attend the corrections academy at the time of their hire or at some point after they've worked there?

A. When I started, it was at some point after we started there. Now, it seems like it's immediately after hire.

Q. When you say now, for how long have you made that observation for?

A. The last two rotations of new officers.

Q. What does that mean in terms of months or years?

A. It's about approximately a year now.

Q. As a correction officer with the Putnam County Correctional Facility, do you supervise anyone?

A. Yes. On a daily basis -- I don't supervise correction officers, no.

Q. Do you have supervisory authority over any other employees?

A. No, ma'am.

Q. Do you report to someone on a daily basis?

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

A. I do. I report to my sergeant.

Q. In connection with your employment with Putnam County, have your job duties and responsibilities as a correction officer been the same for the last five and a half years?

A. Yes, ma'am.

Q. What are those duties and responsibilities?

A. Report to work. Report -- go to briefing. Sergeants brief us on the day's activities. And we supervise the inmates.

Q. What does supervising the inmates involve?

A. That depends on what housing unit you're on. Taking care of their needs basically.

Q. How many housing units are there in the Putnam County facility?

A. There are five.

Q. Have you as a correction officer been assigned to post on each of those five units?

A. Yes, ma'am.

COMPU-TRAN SHORTHAND REPORTING

10

JOSEPH A. VASATURO

Q. In terms of your duties as a correction officer, you're typically assigned to one post or do your posts rotate? How does it work?

A. Posts rotate, ma'am.

Q. Is one of the housing unit the North Housing Unit?

A. Yes, ma'am.

Q. And you've been assigned to that unit?

A. Yes, ma'am.

Q. Can you describe what your duties and responsibilities are with respect to the post in the North Housing Unit on the occasion that you've had that assignment?

A. Maintain security checks from the time you get there until the time you're relieved. Take care of their needs while you're on duty.

Q. Is the post in the North Housing Unit a fixed position?

A. Yes, ma'am. I'm not sure what you mean by that.

Q. In other words, when you go to the

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

North Housing Unit physically, there's a location?

A. Yes.

Q. That's considered to be correct?

A. Yes, ma'am.

Q. How many cells are in that unit?

A. There are 12 cells in North Housing Unit-1.

Q. Is there another North Housing Unit?

A. There are 20 cells.

Q. 20 cells in NHU-1?

A. Sixteen cells in North Housing Unit-1.

Q. Is there another North Housing Unit?

A. There's North Housing Unit-2.

Q. How many cells are there?

A. Four cells.

Q. When you have been assigned to the North Housing Unit post, do your duties and responsibilities cover all 20 cells?

A. No. North Housing Unit-1 would be just the 16.

COMPU-TRAN SHORTHAND REPORTING

12

JOSEPH A. VASATURO

Q. Have you ever been assigned to North Housing Unit-1?

A. Yes.

Q. Have you ever been assigned to North Housing Unit-2?

A. Yes.

Q. They're two separate posts?

A. Two separate.

Q. For how long have they been two separate posts? The entire time you worked there?

A. Yes.

Q. On North Housing Unit-1, your responsibilities include maintaining security checks?

A. Yes, ma'am.

Q. What does that mean specifically?

A. Well, you would do a round every ten, 15 minutes.

Q. What do you do when you do a round?

A. You check your inmates that are housed there. Again, make sure they need anything. If they need anything like toilet

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

paper or anything like that.

Q. When you say you check the inmates that are housed there, do you physically go around to each cell?

A. Yes, ma'am.

Q. Do you communicate with each inmate?

A. Yes, ma'am.

Q. And these security checks that you perform every 10 to 15 minutes, are they required by any Putnam County policy as far as you know?

A. Yes, ma'am.

Q. What policies?

A. If an inmate is put on a 15-minute check, you need to check them every ten or 15 minutes.

Q. So, this would be just for inmates who have a 15-minute check?

A. Right.

Q. Do all inmates in North Housing Unit-1 have the requirement of 15-minute checks?

A. No, they do not.

COMPU-TRAN SHORTHAND REPORTING

14

JOSEPH A. VASATURO

Q. So, when you say maintain security checks, are you referring to only those who are placed on a 15-minute check?

A. You would pay closer attention to the 15-minute checks, but the nature of the block, you walk around the whole thing. It's circular. So you end up checking the 30 minutes every 15 minutes. You're in there 10 to 15 minutes.

Q. What's the 30 minutes that you're referring to?

A. It's routine active supervision.

Q. Is that part of your duties when you're assigned to North Housing Unit-1 post?

A. Yes, ma'am.

Q. With respect to North Housing Unit-1, have there ever been occasions that you were assigned there where the 30-minute checks were performed and no additional checks every 10 to 15 minutes because of the inmates who were assigned there?

A. No, ma'am.

Q. So, in your experience always on

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

North Housing Unit, there are inmates in that section of the facility which require a 15-minute check?

A. Yes, ma'am.

Q. What do you do on the 30-minute checks?

A. The same as the 15.

Q. Is there any difference?

A. You just run them every 10 to 15 minutes basically in that housing unit.

Q. Is there any difference in what you do on a 30-minute check as opposed to a 15-minute check?

A. No, ma'am.

Q. Is it fair to say then on the 30-minute checks as well as the 15-minute checks, you walk around each cell and physically observe the inmates?

A. Yes.

Q. Do you usually -- actually, communicate with each of the inmates at those intervals?

A. Yes.

Q. What is the nature of those

COMPU-TRAN SHORTHAND REPORTING

16

JOSEPH A. VASATURO

communications?

A. How you doing. Everything all right. You guys need anything.

Q. Are you required to document in any way either the routine checks or the 15-minute checks?

A. Yes.

Q. What is the required documentation?

A. Everything goes into a logbook. If they get a shower, it goes into a logbook.

Q. You said that you pay closer attention to the 15-minute checks? Do you mean the inmates who are placed on those checks?

A. Yes, ma'am.

Q. Why do you pay closer attention to those inmates?

A. They're placed on 15-minute watch. It's heightened supervision.

Q. For what reason are they placed on 15-minute watch?

A. Various reasons. Drug

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

withdrawals, alcohol withdrawal, maybe something didn't seem right. They were put on a 15-minute watch.

Q. Any other reason in your experience that would require heightened supervision to the point of placing an inmate on a 15-minute watch?

A. No, ma'am.

Q. In terms of the 15-minute checks, when you say you pay closer attention to those inmates, what do you do to carry that out?

A. You would stop at their cell, speak with them.

Q. Anything else?

A. That's basically it. Talk with them.

Q. What if the inmate was resting?

A. If they appeared to be sleeping, you would keep going. I don't wake them up every 10 to 15 minutes.

Q. In terms --

A. You want to make sure that they're -- rise and fall of the chest.

COMPU-TRAN SHORTHAND REPORTING

18

JOSEPH A. VASATURO

Q. Would that be true on the routine checks as well?

A. Yes, ma'am.

At night, routine checks, they're basically up there watching TV. They're interacting with each other.

Q. On the routine checks, when you do those every 30 minutes as part of your practice, do you speak with each of the inmates?

A. Yes.

Q. Do you also observe to see if an inmate who appears to be resting is breathing?

A. Yes.

Q. And you do that also on the 15-minute checks?

A. Yes, ma'am.

Q. When you say you pay closer attention to the 15-minute checks, what, if anything, do you do different from a routine check on that 15-minute check?

A. Closer attention. I mean, I get in there every ten, fifteen minutes.

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

Q. So when you say you pay closer attention, you mean in terms of the length of time?

A. Right.

Q. By the length of time, I mean the length of time in between your observations?

A. Well, not really because when you're doing your 15-minute checks, it's a circular cellblock. You're seeing everyone when you go around and doing this check. Closer attention would be meaning talk to them more.

Q. For those inmates who are placed on the 15-minute check, do you actually speak with them more than the inmates who are not?

A. If they need to -- yes, yes. You're asking them more questions. How are you doing. Most of the time with the 30 minute, the routine checks, 30-minute checks, these guys are up talking with each other. They're watching television.

Q. In terms of the routine checks, which you perform every 30 minutes, do you

COMPU-TRAN SHORTHAND REPORTING

20

JOSEPH A. VASATURO

physically ask each of the inmates how they are doing?

A. Yes.

Q. Even if they're watching television and interacting?

A. Yes. Something simple as how you guys doing as you're going by.

Q. In terms of the 15-minute checks, is it anything more than that how you doing?

A. How you doing. Do you need anything. That's it.

Q. Earlier when you say you pay closer attention to the inmates who are on 10- to 15-minute checks, do you, in fact, do anything differently on the routine 30-minute checks than you do on the 15-minute checks?

A. No. Aside from talking to them a little bit more.

Q. Are you aware of any policies or procedures with respect to the 15-minute check that requires you to speak with the inmates who are on those types of watches more than those who are not?

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

A. I don't believe there's a policy that requires us to speak more with them, no.

Q. What you're testifying then is your practice and how you carry out these checks?

A. It's usually what I do, yes.

Q. Do you document in the logbooks in any way the 30-minute checks and the 15-minute checks?

A. Yes.

Q. Is there any difference in the way you document the routine 30-minute checks as opposed to the 15-minute checks?

A. Yes.

Q. What's the difference?

A. For the 15-minute supervisions, I'll document what they're doing. If they're lying down. Standing up. Watching TV. If they're sitting down.

Q. On the 30-minute checks, what do you document?

A. If the males are secured or not.

Q. What does it mean if the males are
COMPU-TRAN SHORTHAND REPORTING

22

JOSEPH A. VASATURO

secured?

A. If they're all secured. They're there, they're in good health. They're doing normal activities.

Q. In terms of the NHU-1 post, are the male inmates assigned to that location locked in their cell?

A. If they are unclassified, they're locked in their cell. If they're PDA, they're locked in their cell. The other, if they're classified, they're not locked in their cell.

Q. In terms of classification, what does that mean?

A. It means they go through the classification process. They receive their I.D. tag.

Q. Who determines classification?

A. Officer Joe Walsh would be the main person.

Q. What is his position?

A. Classification officer.

Q. Do you know if there's any time frame with respect to when new inmates are

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

classified?

A. Basically, three to five working days.

Q. After admission?

A. Yes, ma'am.

Q. Typically, a new inmate will be locked in their cell if they're put in NHU-1 until the point in time that they're classified, which would be three to five working days after admission?

A. Yes, ma'am.

Q. When you say if someone is classified as PDA, what does that mean?

A. Pending disciplinary action.

Q. That would be an inmate who had some disciplinary problem that you then required them to remain locked in their cell until the outcome is determined?

A. Yes, ma'am.

Q. If somebody is classified, they're not locked in their cell?

A. They're not. They have their tag. They're free to move about.

Q. When you say "they're free to move
COMPU-TRAN SHORTHAND REPORTING

24

JOSEPH A. VASATURO

about," where are they permitted to go?

A. The shower areas, the law libraries, telephone.

Q. What about the TV, where is that?

A. The TVs are located out on the catwalk. That's where the officer will do the rounds.

Q. And the catwalk is the area outside of the cell?

A. Yes, ma'am.

Q. Immediately outside of the cell?

A. Yes.

Q. Are the classified inmates permitted to go to these other locations - shower, law library, use the telephone, watch the television - without supervision?

A. Yes. We'll escort them to this location. Usually, there's a door that locks. They go behind the locked door and the officer is right there.

Q. In terms of the escort -- let me back up for a second.

When you've been assigned to the NHU-1 post, is it one or more than one

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

correction officer who's manning that post?

A. One.

Q. Has that been true the entire time you've worked for Putnam County Correctional Facility?

A. Yes, ma'am.

Q. Do you have a physical location that you're supposed to be at on that post?

A. Yes, ma'am.

Q. Where is that?

A. It's right outside the cells.

It's right there.

Q. Is it a desk or something else?

A. Yes. There's a desk.

Q. And you said that there is kind of a circular set up to this area; correct?

A. Yes, ma'am.

Q. Where is the desk located in terms of that circular set up?

A. Let's say this is here. The desk is right here. (Indicating)

Q. It's at one end?

A. Yes.

Q. And is there a cell number that's

COMPU-TRAN SHORTHAND REPORTING

26

JOSEPH A. VASATURO

closest to that desk?

A. Yes, ma'am.

Q. What's that?

A. Cell five, cell 13.

Q. So, if you're seated at the desk, to the right would be which cell?

A. This is cell five.

Q. And to your left is?

A. Thirteen.

Q. When you're assigned to the NHU-1 post, are you required to remain at that desk?

A. No. You don't have to remain at the desk. You can walk around the cell area.

Q. That would be the catwalk?

A. Yes, ma'am.

Q. So typically, would you walk around the cell area when you're doing your routine and 15-minute checks?

A. Yes, ma'am.

Q. Would you walk around the catwalk or the cell area on other occasions other than those checks?

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

A. Yes, ma'am.

Q. When an inmate is -- let me withdraw that.

When an inmate is escorted to a different location - shower, law library, telephone, whatever it may be - who is the person responsible for doing the transport?

A. North Housing Unit officer.

Q. That would be yourself if you're assigned to that unit?

A. Yes, ma'am.

Q. Would you have to physically leave the NHU-1 area to escort the inmate to those locations?

A. No, ma'am. I believe it's all part of the same unit. They're right here.

Q. So NHU-1 has its own shower, law library and telephone section?

A. Yes, ma'am. Each block of cells will have their own shower and own telephone.

Q. How about the law library?

A. The law library is right outside.

That's for their use.

COMPU-TRAN SHORTHAND REPORTING

28

JOSEPH A. VASATURO

Q. It's for use of all inmates?

A. For North Housing Unit-1 inmates. The other inmates have their own library or section of the jail.

Q. In terms of the escort, when you provide the escort, let's say, to the shower, do you have to remain with the individual at the shower?

A. No.

Q. Who does?

A. They shower themselves.

Q. But do you man the outside area or you leave them in there by themselves?

A. They're in the shower by themselves.

Q. Then what happens when they're finished?

A. You pick them up and bring them back to their cell area.

Q. How do you know when they're done?

A. You're in there every ten, fifteen minutes.

Q. So in addition to doing the catwalk, you're also going to the areas

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

where the shower and the law library and the telephones are located as part of your post?

A. That is correct. Two of those cell blocks have their own -- four of them have their own showers. Two of them have their own telephones. If they're located in those four man block, they go to the telephone by themselves or shower by themselves. If they're in the middle, you have to escort them to the shower and to the telephones.

Q. In terms of your duties on the NHU-1 post, other than what you described, is there anything else that you're required to do in terms of supervision, watches, anything else?

A. Sure. You feed them their chow. The breakfast, lunch and dinner.

Q. Anything else?

A. Escort the nurse around when she comes in.

Q. Anything else?

A. If they want to go to a bible study, you bring them out to that, to

COMPU-TRAN SHORTHAND REPORTING

30

JOSEPH A. VASATURO

programs. All these program rooms are located within the North Housing Unit area.

Q. What's the bible study program?

A. An instructor will come in. She'll come down to -- it's in the North Housing Unit area. We'll walk around. We'll ask if anyone wants to go to bible study. They say yes. We'll bring them out and they attend it.

Q. When you say you bring them out, where do you bring them to?

A. From the cell area right down here. The bible study right here.

Q. Is bible study within the area of the desk where your post is?

A. Yes, ma'am.

Q. Is there a gate behind you or at any point in the North Housing Unit?

A. Yes, ma'am.

Q. Is the gate numbered as far as you?

A. No. 14.

Q. Is that the only gate in and out of the housing unit?

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

A. Gate 15. You don't have to go through a gate to get into the North Housing Unit.

Q. Is there a gate that separates the North Housing Unit from the rest of the facility?

A. Yes, ma'am.

Q. Where is your desk located in relationship to that gate?

A. It's about 15 feet away from that gate.

Q. Are any of the programs that you just talked about outside of the gate, outside of North Housing Unit?

A. Yes, ma'am.

Q. Which ones?

A. The school, the bible study, the law library.

Q. When the individuals that go to, let's say, any of those programs or the law library leave the gate of the North Housing Unit, are they under somebody else's supervision, or are they under your supervision?

COMPU-TRAN SHORTHAND REPORTING

32

JOSEPH A. VASATURO

A. Typically, there is a program officer who will watch those rooms.

Q. Is that true on all shifts?

A. Yes, ma'am.

Q. When you say "typically," in your experience, have you had situations where the program officer is absent?

A. Yes, ma'am.

Q. What happens on those occasions in terms of bible study and the other program?

A. North Housing Unit officer will handle it.

Q. How often has that occurred on the occasions that you've been assigned to NHU-1 that the program officer has been absent?

A. On the weekends.

Q. Any other occasions?

A. On mid shift.

Q. What does mid shift mean?

A. 3:30 to 11:30.

Q. Would it be true then on weekends and on mid shift, that the North Housing Unit-1 officer has responsibility of observing or, if you will, watching the

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

1 inmates while they're in the law library as
2 well?

3 **A. Yes, ma'am.**

4 **Q.** Any other differences in the NHU-1
5 officer's responsibility on weekends and/or
6 mid shift?

7 **A. No, ma'am.**

8 **Q.** Is there also a recreational yard?

9 **A. There is.**

10 **Q.** Does the North Housing Unit-1
11 officer have any responsibility with respect
12 to that?

13 **A. Yes, ma'am.**

14 **Q.** What's the responsibility?

15 **A. During the shift, they're allowed**
16 **smoke breaks for the inmates.**

17 **Q.** How does that work?

18 **A. Again, you walk around the block,**
19 **see who would like to smoke. You pick them**
20 **up. You escort them out to the rec yard.**

21 **Q.** What do you do once they're in the
22 rec yard?

23 **A. Lock them out in the rec yard and**
24 **they smoke the cigarettes.**

25 **COMPU-TRAN SHORTHAND REPORTING**

34

JOSEPH A. VASATURO

1 **Q.** By themselves?

2 **A. Yes.**

3 **Q.** More than one inmate at the same
4 time?

5 **A. Yes.**

6 **Q.** In terms of the smoke break, do
7 you then wait for them in that vicinity?

8 **A. Yes.**

9 **Q.** And then you escort them back to
10 their cell?

11 **A. Yes.**

12 **Q.** Is the rec yard within the gated
13 area or outside of the gate or where is it?

14 **A. Right outside the gate.**

15 **Q.** When you open the gate, are you
16 required to notify anyone?

17 **A. The gate is typically open.**

18 **Q.** It's left open?

19 **A. Yes, ma'am.**

20 **Q.** Do you have any other officers who
21 are responsible in any way for the North
22 Housing Unit duties you just described when
23 you're assigned on that post, or is it
24 solely one officer who does one of these

25 **COMPU-TRAN SHORTHAND REPORTING**

JOSEPH A. VASATURO

1 things?

2 **A. It's one officer.**

3 **Q.** In your experience as correction
4 officer, how often, if you can say, with any
5 periodic frequency or regularity have you
6 been assigned to the NHU-1 post?

7 **A. Approximately, once a week.**

8 **Q.** That would be one shift per week?

9 **A. One shift per week.**

10 **Q.** Are you assigned to typically the
11 same shift in terms of hours or does that
12 rotate?

13 **A. I'm typically on the same shift,**
14 **same hours, yes.**

15 **Q.** What hours do you work?

16 **A. 0730 to 1530.**

17 **Q.** That has been true for the last
18 five and a half years?

19 **A. No, ma'am.**

20 **Q.** When did that change? When did it
21 become that regular shift?

22 **A. I believe it was September of**
23 **'07.**

24 **Q.** Prior to that, what shift, if any,

25 **COMPU-TRAN SHORTHAND REPORTING**

36

JOSEPH A. VASATURO

1 were you regularly assigned to?

2 **A. The midnight shift. 1130 to**
3 **0730.**

4 **Q.** For how long did you work the
5 midnight shift prior to September '07?

6 **A. Approximately, four years.**

7 **Q.** When you were on the midnight
8 shift 11:30 to 7:30 for those four years,
9 were you assigned to NHU-1?

10 **A. Yes, ma'am.**

11 **Q.** Was that with the same frequency,
12 one time a week, or was it more or less?

13 **A. It was basically one time a week.**

14 **North Housing Unit-1 is shared at night with**
15 **South Housing Unit.**

16 **Q.** What does that mean?

17 **A. There's one officer assigned down**
18 **there, north and south.**

19 **Q.** In addition to having the duties
20 of a program officer on weekends, the North
21 Housing Unit-1 post has the duties over the
22 South Housing Unit as well during the
23 midnight shift?

24 **A. During the midnight shift, yes.**

25 **COMPU-TRAN SHORTHAND REPORTING**

JOSEPH A. VASATURO

Q. What is required in terms of your duties and responsibilities when you're on the midnight shift, responsible for both JHU-1 and South Housing Unit?

A. Performing checks.

Q. For the South Housing Unit inmates?

A. For South Housing Unit, also for North Housing Unit.

Q. In addition to what you testified about North Housing Unit-1, you have the responsibility of doing checks on South Housing inmates?

A. On the midnight shift, that's correct.

Q. On the South Housing Unit, how many cells are there?

A. Eight.

Q. Are these all routine checks or 15-minute checks or combination?

A. They can also be a combination.

Q. In terms of the physical description or layout, if you will, of the facility, where is South Housing Unit in

COMPU-TRAN SHORTHAND REPORTING

38

JOSEPH A. VASATURO

relation to Gate 14 where you would walk into North Housing Unit?

A. You can enter north from the front or back. South Housing Unit is adjacent to North Housing Unit. It's right across the hallway.

Q. Where is it in relation to the North Housing Unit-1 desk?

A. It's all the way around the other hallway, but at midnight shift, you don't sit at north. You exit in south, because it's directly in the middle of the two.

Q. In terms of what you testified to earlier where the North Housing Unit desk was located near cells five and 13 on North Housing Unit, is South Housing Unit at the opposite end of the circle?

A. Yes.

Q. What cell numbers are on that end?

A. 20 and 12.

Q. Is there a desk at that location?

A. No, there wasn't. Basically, you'll stay in South Housing Unit.

Q. Is there a desk in South Housing

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

Unit?

A. Yes.

Q. Where is the desk located in relation to cells 20 and 12?

A. 30 feet away, approximately.

Q. Is there any kind of division, any gate, any door?

A. There is also a gate on that side.

Q. Do you know the number of that gate?

A. Not positive of the number, ma'am.

Q. In terms of that gate, is that gate typically opened?

A. Yes.

Q. Do you have any understanding as to why on the midnight shift the post is manned from the South Housing Unit as opposed to North Housing Unit?

A. I'm not really positive, ma'am.

Q. Did anyone ever instruct you as to why that was?

A. No, ma'am.

COMPU-TRAN SHORTHAND REPORTING

40

JOSEPH A. VASATURO

Q. In terms of the cells, if you're sitting at the desk in North Housing Unit and cell five is to your left, where is cell seven?

A. It would be five, six, seven, eight.

Q. So, cell five would be to your right if you're sitting at the desk facing the cells?

A. Yes. It would be on your right.

Q. In terms of from the desk, cell seven to the right would be the third cell?

A. Yes, ma'am.

Q. On the midnight shift, do you escort prisoners anywhere?

A. Not typically. If they need to go to medical, yes, we escort them to medical.

Q. Other than that?

A. No.

Q. Are they permitted to go, for example, to the rec yard?

A. No.

Q. Are they permitted to watch TV?

COMPU-TRAN SHORTHAND REPORTING

10 of 88 sheets

JOSEPH A. VASATURO

A. No.

Q. Are they permitted to do anything outside their cell?

A. Not on the midnight.

Q. Are they locked in their cell during that period?

A. Yes, ma'am.

Q. Does anybody assist you on the midnight shift in your experience during the four years where you've been assigned to man NHU-1 and SHU?

A. Yes, ma'am.

Q. Who assists?

A. The housing officer will come down.

Q. How often?

A. Every-other hour.

Q. What do they do when they come down?

A. They'll do an hour of checks.

Q. What do you do during that hour?

A. Just basically stay there. It's manned by two people.

Q. On the midnight shift?

COMPU-TRAN SHORTHAND REPORTING

42

JOSEPH A. VASATURO

A. Yes, ma'am.

Q. I thought you indicated earlier that it was NHU-1 officer's responsibility to man both of those?

A. Well, the South Housing Unit officer that's assigned there, the South Housing will take care of north and south. And the housing unit officer will come down. If they have a booking, then the housing unit officer leaves and South Housing officer continues.

Q. The housing officer will be available in SHU and NHU if there were no other duties that took him or her away from that post?

A. Yes, ma'am.

Q. In your experience, the housing unit officer has not been available on the midnight shift due to things such as the intake process, the booking process?

A. Bookings.

Q. Anything else?

A. Reliefs.

Q. What's a relief?

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

A. Officer needs a break, a coffee break, a cigarette break.

Q. So the housing officer will go relieve the other officer and wouldn't be available at the South Housing Unit post?

A. Yes.

Q. In practice, how often is it that the SHU post on midnight shifts actually has assistance from the housing officer?

A. It's hard to say, ma'am. It all depends if there's an arrest that comes in. If there's a commitment that goes to the jail.

Q. In terms of the checks that you perform on the midnight shift, do you log those in as well?

A. Yes, ma'am.

Q. Are there two separate logbooks for NHU and SHU?

A. Yes, ma'am.

Q. When you work the midnight shift and you've been assigned to the SHU/NHU-1 post, did you have a supervisor?

A. Yes, ma'am.

COMPU-TRAN SHORTHAND REPORTING

44

JOSEPH A. VASATURO

Q. Who's the supervisor on that shift?

A. Sergeant LaPolla.

Q. Was that true for most of the four years that you did that?

A. Yes, ma'am.

Q. Do you have any understanding as to why your shift was changed in September 2007?

A. No, ma'am. I believe just my turn for B line.

Q. Did anyone explain to you why it was changed?

A. No, ma'am.

Q. Did anyone indicate to you that it was changed for any reason or concern about your performance?

A. No, ma'am.

Q. Prior to working the midnight shift for approximately four years, were you assigned to a set shift?

A. Yes, ma'am, I had. I was 3:30 to 11:30.

Q. For how long did you work that

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

1 shift?

2 **A. Approximately, a year, year and a**
3 **half.**

4 **Q.** Do you know why your shift was
5 changed to the midnight shift at that time
6 about a year or year and a half into your
7 employment?

8 **A. I'm not positive, ma'am.**

9 **Q.** Did anyone indicate to you a
10 reason why?

11 **A. I may have requested to go to**
12 **midnight shift.**

13 **Q.** Do you recall?

14 **A. I believe I did request to go to**
15 **midnight shift.**

16 **Q.** Did you request to go to the day
17 shift 7:30 to 1530 in or about September
18 '07?

19 **A. I requested day shift the first**
20 **week I started there. I guess it was my**
21 **turn.**

22 **Q.** So, it was eventually granted
23 after five years?

24 **A. Yes, ma'am.**

25 **COMPU-TRAN SHORTHAND REPORTING**

46

JOSEPH A. VASATURO

1 **Q.** In connection with your employment
2 at the Putnam County Correctional Facility,
3 you're aware of the visitation area?

4 **A. Yes, ma'am.**

5 **Q.** Where inmates are permitted to
6 visit with people who come to the facility
7 to see them?

8 **A. Yes.**

9 **Q.** Have you ever been assigned to any
10 responsibilities over that area?

11 **A. No.**

12 **Q.** Have you ever been assigned to any
13 responsibilities that involve the intake or
14 booking of incoming inmates?

15 **A. Yes, ma'am.**

16 **Q.** How often have you been assigned
17 those responsibilities in the last five and
18 a half years?

19 **A. While I was on midnight shift,**
20 **twice a week.**

21 **Q.** Where was your post physically
22 located when you were assigned intake or
23 booking?

24 **A. Housing control.**

25 **COMPU-TRAN SHORTHAND REPORTING**

JOSEPH A. VASATURO

1 **Q.** Where is that in relation to where
2 the inmates are booked?

3 **A. It's right down the hall. 40**
4 **feet down the hall about.**

5 **Q.** What duties did you have other
6 than the intake or booking process when you
7 were assigned to housing control on the
8 midnight shifts?

9 **A. Housing control would go down and**
10 **help South Housing Unit/North Housing Unit.**

11 **Q.** That's the same position that you
12 testified about earlier you referred to as
13 the housing officer?

14 **A. Housing officer, yes, ma'am.**

15 **Q.** Anything else that the housing
16 officer does in your experience other than
17 the booking, helping out with the SHU/NHU-1
18 post and reliefs?

19 **A. If there's a delivery, we'll take**
20 **the delivery in. If it's snowing, we'll**
21 **shovel the front walk. Throw some salt**
22 **down.**

23 **Q.** Anything else?

24 **A. Perimeter check on occasion we**

25 **COMPU-TRAN SHORTHAND REPORTING**

48

JOSEPH A. VASATURO

1 **would do with sergeant.**

2 **Q.** That's the entire facility?

3 **A. Yes, ma'am.**

4 **Q.** Anything else?

5 **A. Make sure the morning workers are**
6 **where they're supposed to be.**

7 **Q.** The morning workers are inmates or
8 employees?

9 **A. Inmates.**

10 **Q.** Anything else?

11 **A. No, ma'am.**

12 **Q.** When you were assigned to the
13 housing officer post on midnights
14 approximately twice a week, was this during
15 the same four-year period that you did the
16 NHU/SHU post about one time a week that
17 four-year period?

18 **A. Currently now it's about one time**
19 **a week on day shift. On the midnight, it**
20 **was probably twice, you know, when I was**
21 **assigned to housing control. I would**
22 **consider myself downstairs. That's where I**
23 **would go.**

24 **Q.** In terms of your supervisor when

25 **COMPU-TRAN SHORTHAND REPORTING**

JOSEPH A. VASATURO

you were assigned to that post, housing officer, was that also Sergeant LaPolla?

A. Yes, ma'am.

Q. On midnights other than Sergeant LaPolla, were there any other supervisory workers working in the jail?

A. No, ma'am. Not unless he was sick.

Q. Would he be the most senior person in the facility on midnights?

A. Yes, ma'am.

Q. Did you ever hear the term "tour supervisor"?

A. Yes, ma'am.

Q. Was LaPolla the tour supervisor on midnights when you worked midnights?

A. Yes, ma'am.

Q. Did you ever hear the term "chief administrative officer" used in the jail?

A. Yes, ma'am.

Q. Do you know if on midnights, if LaPolla was the chief administrative officer?

A. I don't believe he was.

COMPU-TRAN SHORTHAND REPORTING

50

JOSEPH A. VASATURO

Q. Do you know who the chief administrative officer was on midnights?

A. No, ma'am. Captain LeFever or Lieutenant O'Malley.

Q. Did Captain LeFever or Lieutenant O'Malley work midnights?

A. No, ma'am.

Q. Now, in terms of your experience in the booking process when inmates come into the facility, have there been any changes in that process in the five and a half years that you worked for Putnam County?

A. Yes, ma'am.

Q. Do you recall when those changes were implemented?

A. I don't.

Q. What were the changes?

A. Now, we have to fill out alternatives to incarceration paperwork.

Q. Do you recall for how long you've had to do that type of paperwork?

A. Last seven months, approximately.

Q. What is the nature of that

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

paperwork?

A. The inmate will fill that out and fax it to alternatives to incarceration.

What goes on from there, I don't know.

Q. What does that mean, alternative to incarceration?

A. I guess if there's any alternative to them being incarcerated.

Q. Such as?

A. I'm not sure, ma'am.

Q. Do you know what the purpose of that paperwork is?

A. No, ma'am.

Q. Who do you fax the paperwork to?

A. To alternatives to incarceration.

Q. You said that's been true for about seven months now?

A. Approximately, seven months.

Q. Did anyone provide you with any instruction or direction as to why that's now being required?

A. No, ma'am.

Q. Did you ever speak with anyone about why that was implemented?

COMPU-TRAN SHORTHAND REPORTING

52

JOSEPH A. VASATURO

A. No, ma'am.

Q. Do you have any understanding as to why that was implemented?

A. No, ma'am.

Q. Other than that paperwork, any other differences in the booking process since you've been employed by the Putnam County Correctional Facility five and a half years?

A. Notification of consulate for non-citizens.

Q. Anything else?

A. Strip-search procedures have changed.

Q. Anything else?

A. No, ma'am.

Q. In terms of the booking process then for the past five and a half years when you've been assigned to that post as housing officer, can you describe what you're required to do?

A. After signing in housing, you go in sign in booking. Basically, stamp the book.

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

Q. What happens when a new inmates is arriving?

A. They'll come into the reception area.

Q. Is that in booking?

A. Yes, ma'am.

Q. What do you do?

A. We pat them down. We start the in-process - fingerprints, pictures, property, we inventory their property.

Q. Are these all things that you personally do as the housing officer?

A. Yes.

Q. Do you have any assistance in those functions?

A. Yes.

Q. Who assists you?

A. Either the West Housing Unit or East Housing Unit typically comes up.

Q. One officer from either of those?

A. Yes.

Q. So, there's typically two of you in booking?

A. There will be two.

COMPU-TRAN SHORTHAND REPORTING

54

JOSEPH A. VASATURO

Q. This is true on all shifts or is it just midnight?

A. Just midnight. On the other shifts, the floater can go in there.

Q. After the in-process is done in terms of the prints, the photos, the property, what happens?

A. And the medical screening.

Q. Who does the medical screening?

A. The booking officer.

Q. Anything else that you're required to do as part of the intake of a new inmate?

A. Change them out. Have them shower.

Q. When you say "change them out," you provide them with jail-issued clothing?

A. Yes, ma'am.

Q. What does that consist of?

A. Pants, shirts, sweatshirt, socks. One set of sheets. Two blankets. Carry jacket, I guess, you can call it. Toothbrush, toothpaste, cup.

Q. Has there been any change in the type of clothing issued to inmates in the

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

five and a half years you've been working for the jail?

A. No, ma'am.

Q. Have you ever learned of any situation where inmates are issued something other than that standard clothing?

A. If an inmate is put on a constant watch.

Q. What happens in those cases?

A. They'll receive a paper suit.

Q. Is that in lieu of the pants, shirt, sweatshirt and socks?

A. Yes, ma'am. Instead of the regular clothing, they're given the paper suit.

Q. For how long has that been true?

A. Since I can remember.

Q. The entire time you worked there?

A. Yes, ma'am.

Q. What is a constant watch?

A. It's a constant one-on-one supervision.

Q. Why is that given?

A. Suicide risk.

COMPU-TRAN SHORTHAND REPORTING

56

JOSEPH A. VASATURO

Q. Any other reason?

A. I'll say withdrawal from alcohol.

Q. Any other reason?

A. No, ma'am.

Q. Would it include, constant watch one-on-one supervision, include withdrawal from drugs?

A. No, ma'am.

Q. Do you know why there's a difference between treatment of inmates in terms of this one-on-one supervision when they're withdrawing from alcohol but not withdrawing from drugs?

A. No, ma'am.

Q. Did you ever speak with anyone about that?

A. I believe the withdrawal from alcohol is deadly. I'm not positive.

Q. Have you ever been provided any instruction or guidance with respect to whether or not withdrawal from drugs can be equally deadly?

A. No, ma'am.

Q. In terms of the placing of an

COMPU-TRAN SHORTHAND REPORTING

14 of 88 sheets

JOSEPH A. VASATURO

inmate on some type of watch, correct me if I'm wrong, but an inmate can come in and be placed on routine supervision which would be 30-minute checks; correct?

A. Yes, ma'am.

Q. Then you mentioned there are also 15-minute checks; correct?

A. Yes, ma'am.

Q. Then there's also something called constant watch?

A. Yes.

Q. Any other types of supervision other than those three?

A. No.

Q. When is it determined what type of supervision an inmate will receive in terms of a routine, 15 minute or constant?

A. After the medical screening would be completed.

Q. So this is before they receive a cell?

A. Yes.

Q. In terms of your experience in the Putnam County Correctional Facility, you

COMPU-TRAN SHORTHAND REPORTING

58

JOSEPH A. VASATURO

indicated that constant watch is implemented when the inmate has a risk of suicide and/or is withdrawing from alcohol; is that fair to say?

A. I don't want to say every time they're withdrawing from alcohol.

Q. But every time they're a risk of suicide, they're placed on constant watch?

A. Every time you feel that they're a risk to themselves, yes.

Q. In terms of alcohol, is it fair to say that sometimes they're placed on constant watch and sometimes they're not?

A. Yes.

Q. Any other circumstances that you're aware of where constant watch is implemented prior to cell assignment?

A. For mentally challenged, I would say.

Q. Any other circumstances?

A. No, ma'am.

Q. With respect to the 15-minute watches, in your experience again, any practices governing when an individual is

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

placed on those type of watches?

A. For drug and alcohol withdrawal.

Q. Any other circumstances?

A. For heightened numbers on the suicide screening.

Q. Any others?

A. Again, for the mentally-challenged people.

Q. Any other circumstances?

A. No, ma'am.

Q. In terms of routine supervision, that would be every other category of inmate; correct?

A. Yes, ma'am.

Q. Now, are you familiar with any policies, written policies of the Putnam County Correctional Facility governing in any way routine, 15 minute and constant watches?

A. There are policies that explain what they are, the differences between the three.

Q. Are there any policies which set forth the criteria under which someone will

COMPU-TRAN SHORTHAND REPORTING

60

JOSEPH A. VASATURO

receive routine versus 15-minute versus constant watch?

A. There's no policy to my knowledge.

Q. How are you aware of the written policy that explains the differences between the three watches?

A. I read it.

Q. When did you read it?

A. Approximately, four or five years ago.

Q. When you were hired?

A. Yes, ma'am.

Q. Have you had occasion to read it since that time?

A. I have.

Q. Under what circumstances?

A. Just flipping through. Just reading through the policies and procedures.

Q. Where is the policy and procedure kept?

A. We have red books they're kept at our house. We sign for them.

Q. This is something, in other words,

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

that the department provides to each officer to bring home?

A. Yes, ma'am.

Q. When were you issued the red book?

A. My date of hire.

Q. Have you since that time been issued inserts or updates, if you will, to the policies in there?

A. Yes, ma'am.

Q. Have any of the updates pertained in any way to the types of watches - routine, 15 minute and constant?

A. No, ma'am.

Q. Now, you indicated that there were no written policies that you were aware of which set forth in any way the criteria for determining whether somebody would be placed on a routine, a 15 minute or constant watch. How is it then that you learned that constant watch would be imposed if the inmate posed a risk of suicide or danger to one's self?

A. After they impose a risk of suicide would be, I guess, self-explanatory.

COMPU-TRAN SHORTHAND REPORTING

62

JOSEPH A. VASATURO

You put them on a constant watch. You want them one-on-one.

Q. How did you learn that was the practice that should be implemented in Putnam County? Was it based on your experience, training, something in writing, verbal instruction, your own personal assumption?

A. It was a personal. If they say they're going to hurt themselves, then it's a constant watch.

Q. Other than if an individual expresses a desire to hurt themselves, they could still pose a risk of suicide; correct? In other words, they may not verbalize it?

MR. RANDAZZO: Objection to

the form.

A. Sure.

Q. Have you ever been trained or provided with any kind of instruction on how to recognize someone who is at risk of suicide?

A. Yes, ma'am.

Q. When did you receive that training

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

or instruction?

A. It's in-service training. I believe it was in March of '06. We receive it once a year.

Q. Was March of '06 the first time you received it?

A. No. I would receive it in the correction school.

Q. Other than in March of 2006 and at the correction school, did you ever receive any training regarding recognition of individuals who pose a risk of suicide?

A. Other than my training from the jail, no.

Q. When you say other than your training from the jail, what do you mean? Your work experience there?

A. No. I mean, other than while I was employed at the Putnam County Correctional Facility, I haven't received any kind of suicide training.

Q. And you received suicide training in March of '06? That was part of an in-service?

COMPU-TRAN SHORTHAND REPORTING

64

JOSEPH A. VASATURO

A. Yes.

Q. And you received it at the corrections academy; correct?

A. Yes.

Q. Other than those two occasions, any other set time when you received any training or instruction on suicide recognition?

A. February of '07.

Q. Any other occasions?

A. Not that I recall.

Q. Now, you mentioned that as part of the booking process, the individual is given a medical screening?

A. Yes, ma'am.

Q. Does that include the suicide screening that you also testified about?

A. It does.

Q. That's all part of one package?

A. Yes, ma'am.

Q. As the booking officer, you administer both sections of that?

A. It's four sections but yes.

Q. What are the four sections?

COMPU-TRAN SHORTHAND REPORTING

65
JOSEPH A. VASATURO

A. There's a pedigree, tuberculosis screening, medical screening and suicide screening.

Q. At what point in the booking process is it determined where the individual will be housed?

A. After the supervision, after you come up with what supervision.

Q. When is it determined what supervision the inmate will receive?

A. After the medical screening.

Q. So you determine supervision and then you determine housing?

A. Yes, ma'am.

Q. Who has the responsibility for determining what level of supervision an inmate receives?

A. The booking officer.

Q. Who has the responsibility for determining what level of or what housing the individual receives?

A. The booking officer and the housing. The sergeant will have the ultimate decision on both of them.

COMPU-TRAN SHORTHAND REPORTING

66

JOSEPH A. VASATURO

Q. And on midnights, your experience that would have been Sergeant LaPolla?

A. Yes, ma'am.

Q. On what basis do you say that Sergeant LaPolla would have the ultimate decision on supervision and housing?

A. On what basis?

Q. Yes. Is it based on your experience, some written policy, something else?

A. No. Just it's always up to the sergeant.

Q. So when you said earlier -- I'm sorry. I may be confused about your testimony. I don't want to put words in your mouth. When you said earlier that the booking officer determines supervision, is that accurate?

A. They do. On the screening form, the booking officer will determine what supervision. Then the sergeant will review it and okay it.

Q. Is that true in all intakes?

A. Yes.

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

Q. How about housing, you said earlier that the booking officer determines housing?

A. Yes.

Q. Does the sergeant have that role of reviewing and okaying that as well?

A. Yes.

Q. In terms of the sergeant's review and okay of the supervision level, when does that occur in terms of the intake process?

A. That is typically the first thing of the screening.

Q. Say you're the booking officer. After you determine what level of supervision the inmate should receive, you indicated that the sergeant would review that?

A. Yes.

Q. When does the sergeant review it? Is that right after the medical is done?

A. Right after it's finished.

Q. That's been the practice for the entire time you've worked at the county?

A. Yes.

COMPU-TRAN SHORTHAND REPORTING

68

JOSEPH A. VASATURO

Q. At that point in time, you said the sergeant would okay the supervision that you put on?

A. Okay or they would change it as they feel fit.

Q. In terms of the sergeant accepting it or changing it, does that occur prior to the individual receiving the housing assignment?

A. Yes.

Q. Is there some notification process by which you as the booking officer would alert the sergeant that the medical four part screening has been completed?

A. Yes.

Q. At that point in time, is this prior to the housing assignment?

A. Yes.

Q. Then the sergeant would review the supervision level?

A. Yes.

Q. Then who determines the housing assignment? Is it the booking officer and the sergeant at that time?

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

A. It could be the booking officer or it could be the sergeant.

Q. Either way, the sergeant okays the housing assignment?

A. Yes.

Q. Are you required to in any way list or justify the reasons for putting somebody on a routine versus a 15 minute versus a constant watch?

A. A P-1 needs to be done. A P-1 is just a memo explaining why they're on the watch that they're on.

Q. Is that true for a routine watch as well?

A. No.

Q. Just on the 15 minute or the constant watch?

A. Yes.

Q. When does that P-1 have to be completed in terms of the intake process?

A. It's completed all with the whole process. It's all done together.

Q. Is it done before the individual is placed in a housing assignment?

COMPU-TRAN SHORTHAND REPORTING

70

JOSEPH A. VASATURO

A. No.

Q. So, it's done after the individual is put in their cell?

A. It depends. If the officer will get it done before then they escort the inmate back.

Q. It may be before or it may be after? There's no set routine?

A. There's no set routine.

Q. Who does the P-1 go to?

A. The housing unit will get a copy.

Q. Anyone else?

A. Briefing room will get a copy.

Q. Anyone else?

A. Classification will get a copy.

Q. Anyone else?

A. No.

Q. When you say that the housing unit is given a copy, how is that delivered?

A. By hand.

Q. To the person posted at that unit?

A. Yes, ma'am.

Q. How about the briefing room, how is that delivered?

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

A. By hand. By the booking officer.

Q. Who is it delivered to?

A. Put into a black binder.

Q. How about to classification, how is that delivered?

A. By hand.

Q. To the classification officer?

A. It's put in his mailbox.

Q. Are you as the booking officer responsible for delivering the P-1?

A. Yes, ma'am.

Q. Is there any requirement that the P-1 be delivered to the tour supervisor or the sergeant?

A. I'm not sure if there's a requirement or if it's common practice to give it to the sergeant.

Q. In your experience, have you as the booking officer given a copy of the P-1 to the sergeant?

A. I have.

Q. Yes?

A. Yes.

Q. And that's been true for the last

COMPU-TRAN SHORTHAND REPORTING

72

JOSEPH A. VASATURO

five and a half years?

A. Yes.

Q. Are you required to provide any other paperwork to the sergeant as part of the booking officer position?

A. No.

Q. When you indicated earlier that the booking officer -- that the sergeant reviews the medical four part intake forms, does the sergeant actually take copies of those?

A. No.

Q. Are you aware of any requirement or rule or regulation that requires the booking officer to deliver to the sergeant the Suicide Screening Guideline form?

A. Not to deliver it to them. On the suicide screening, it says if the score is eight or above, they should be notified.

Q. Meaning the supervisor should be notified if the score was eight or higher?

A. Yes, ma'am, or if you feel they should be notified with any score.

Q. In your experience in the last

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

five and a half years when you notify a supervisor of a suicide screening score of eight or higher, is that notification in writing or verbal?

A. Verbal.

Q. Is there any requirement, policy, rule or regulation that requires that notification to be in written form?

A. Not that I'm aware of.

Q. In your experience, again when you notify a supervisor of a score of eight or higher and you do so verbally, does the supervisor at any point in time receive information from you as to what caused the score to be eight or higher?

A. Yes.

Q. In other words, do you explain?

A. Yes. We'll go over it together.

Q. You go over the form itself?

A. Yes.

Q. As far as you know, is that the policy and procedure at the Putnam County facility?

A. It is common practice.

COMPU-TRAN SHORTHAND REPORTING

74

JOSEPH A. VASATURO

Q. Do you know if it's required by any policy or regulation?

A. If the score is eight or above, it is required to notify a sergeant.

Q. By some policy, though, that you're aware of?

A. Yes, ma'am.

Q. Any other circumstances where you're supposed to notify a supervisor of anything that is revealed as a result of the suicide screening form?

A. If a shaded area on there is checked.

Q. What's your understanding as to why a supervisor is supposed to be notified if the individual has a score of eight or higher or if a shaded area is checked?

A. I believe it's high-risk areas.

Q. High risk of what? Harm to one self?

A. Yes, ma'am.

Q. Did you ever receive any kind of training on the administration of the suicide screening form?

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

A. That training is given during the in-service training.

Q. The ones that you testified about earlier?

A. Yes, ma'am.

Q. In connection with the training, were you ever instructed on what to do in terms of level of supervision if an individual scores eight or higher on the suicide screening form?

A. I'm unaware of any policy that says if they score eight or higher, the level of supervision.

Q. Were you ever trained, in other words, maybe not a written policy but were you ever trained or instructed in any way on what level of supervision needs to be instituted if an individual scored eight or higher?

A. No, ma'am.

Q. In your experience in the booking officer position for the last five and a half years, is there any common practice that you're aware of as to what occurs in

COMPU-TRAN SHORTHAND REPORTING

76

JOSEPH A. VASATURO

terms of level of supervision given to an inmate who scores eight or higher on the suicide screening?

A. No, ma'am.

Q. In terms of the shaded areas on the form, you indicated that a supervisor has to be notified under those circumstances as well; correct?

A. Yes, ma'am.

Q. Do you have any understanding of any policies that are in place in the last five and a half years as to what level of supervision needs to be instituted if a shaded area is checked on the suicide screening form?

A. No, ma'am.

Q. Have you ever received any training or instruction on what level of supervision needs to be instituted under the circumstances where a shaded area is checked on that form?

A. No, ma'am.

Q. In terms of the forms themselves, are they made available to you by the Putnam

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

County Correctional Facility?

A. Yes, ma'am.

Q. In other words, it's not something that you devised; correct?

A. No, ma'am.

Q. In terms of the form, do you know if it has a specific name or designation, title?

A. It's a medical screening form.

Q. Is the suicide screening all part of that same packet, or is it a separate form?

A. It's part of the packet.

MS. BERG: Let me have marked as Plaintiff's Exhibit 1, a copy of a document which says Suicide Prevention Screening Guidelines at the top, and it's called Form 330-ADM.

(Whereupon, Plaintiff's Exhibit 1, SUICIDE PREVENTION SCREENING GUIDELINES, FORM 330-ADM, was marked for identification.)

Q. I'm going to show you what was marked as Plaintiff's Exhibit 1. Take a look at it. It's two pages. And my

COMPU-TRAN SHORTHAND REPORTING

78

JOSEPH A. VASATURO

question to you is, do you recognize that?

A. No, ma'am.

Q. Have you ever seen that form before?

A. This particular form, no, ma'am. I believe ours is constructed a little different.

Q. Has that been true for the five and a half years you've worked as a booking officer and correction officer at the facility?

A. As far as I've been working booking, yes.

Q. Do you see at the top right, it says, "State of New York, Commission of Correction, Office of Mental Health"?

A. Yes, ma'am.

Q. Did anyone ever provide you with this form as it is here, the 330-ADM, as part of any of your training or instruction?

A. Not that I recall, ma'am.

Q. Did anybody ever indicate to you at any time either in training or during your employment with the department, that

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

the State of New York, Commission of Correction's Suicide Prevention Screening Guidelines indicate that if eight or more of the boxes are checked, not only is supervisory notification required, but so is constant watch?

A. I was unaware of that, ma'am.

Q. On this form under the section that says, "Action," do you see where it reads, "If total checks in column A are eight or more or any shaded box is checked or if you feel it necessary, notify supervisor and institute constant watch;" do you see that portion?

A. Yes, ma'am.

Q. Did anybody ever instruct you, provide you with any policy, train you in any way, under the circumstances where someone called eight or more, constant watch was what the New York State Commission of Corrections required?

A. I was not aware of that eight or more or shaded box with a constant watch.

Q. Do you know why it is that Putnam

COMPU-TRAN SHORTHAND REPORTING

80

JOSEPH A. VASATURO

County Correctional Facility does not used the form that the Commission of Corrections devised?

MR. RANDAZZO: Objection to the form.

You can answer.

MR. KLEINBERG: Objection.

A. I'm not aware, ma'am.

Q. Did anyone ever discuss that with you?

A. No, ma'am.

Q. On the second page of Exhibit 1, it appears to be instructions for completing the form; do you see that?

A. Yes, ma'am.

Q. Have you ever seen those instructions?

A. No, ma'am.

Q. On the forms that you were given at the Putnam County Correctional Facility, are instructions with the medical screening packet that contains the suicide guidelines?

A. No, ma'am.

Q. Have you ever been given

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

instructions on how to complete the Suicide Screening Guideline form that you were given at the facility?

A. Verbally, in training.

Q. In the in-service training?

A. Yes, ma'am.

Q. How about anything in writing?

A. Not that I'm aware of.

Q. Is there anything in writing with the forms themselves, where the forms are kept in the correctional facility that in any way is similar to page 2 of Exhibit 1?

A. Not that I'm aware of, ma'am.

Q. Other than the personal observation of inmates during checks by a correction officer, is there any other kind of surveillance that's done by video, computer or audio monitoring?

A. We do do -- we have clocks that we hit. It's called a pipe. At certain parts of the hall as you're walking, you hit the points.

Q. Is that an electronic monitoring?

A. It is.

COMPU-TRAN SHORTHAND REPORTING

82

JOSEPH A. VASATURO

Q. When is that used?

A. Midnights, during lunch.

Q. Only midnights?

A. During lunch. During breakfast. During dinner and from 2200 to 0700.

Q. Do you know why that pipe is used during those times and only those times?

A. These are lock-in periods.

Q. What is the pipe check for in terms of the electronic device?

A. To ensure that you're doing the check.

Q. In terms of the physical equipment that you carry as a correction officer, is that something that's personally issued to you or is it kept on the unit?

A. I have my own personal button that would activate my code, I guess, into the pipe.

Q. Are you required to perform any kind of logbook entries on the occasions that you do your checks but you have the pipe?

A. Yes.

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

Q. You still have to do the logbook entries?

A. Yes.

Q. Is the lunch period a set time every day on the North Housing Unit?

A. Yes.

Q. What time is it?

A. Lunch is 11:30 to 12:30.

Q. And the inmate is locked in for that entire time?

A. Yes.

MS. BERG: Mind if we take five minutes?

MR. RANDAZZO: That's fine.

(Recess taken)

CONTINUED EXAMINATION BY

MS. BERG:

Q. In terms of classification of inmates, you indicated earlier that happens about three to five business days after the inmate comes into the facility?

A. Approximately three to five business days.

COMPU-TRAN SHORTHAND REPORTING

84

JOSEPH A. VASATURO

Q. Is there anything other than being locked in their cell that is different in the way those inmates are treated for that period of time that they're unclassified?

A. No.

Q. Anything that they're prohibited from doing, like going to programs or anything else?

A. They wouldn't be attending programs.

Q. Anything else that they're prohibited from doing?

A. They wouldn't be watching television. At the officer's discretion, whether or not to give him the TV. Most of us do. Some of us don't.

Q. In terms of receiving any kind of trips to medical or other kind of care, is there anything that happens, you know, if an unclassified inmate needs that care?

A. If an unclassified needs to go to the medical facility, the floater would bring him to medical.

Q. Is there anything that happens

COMPU-TRAN SHORTHAND REPORTING

85

JOSEPH A. VASATURO

1 once classification is given to an inmate
2 with respect to a medical screening or
3 assessment?

4 **A. I am not positive what Officer
5 Walsh does when he classifies an inmate.**

6 **Q.** Did you ever hear of a
7 classification called P-2?

8 **A. That's the level of supervision.**

9 **Q.** What does that mean, P-2?

10 **A. I believe that's 15-minute watch.**

11 **Q.** What's a constant watch? What's
12 the code for that?

13 **A. I'm not positive, ma'am. I'd be
14 taking a guess.**

15 **Q.** In terms of the booking process,
16 you indicated that you worked that position
17 on midnights about twice a week for four
18 years; correct?

19 **A. Yes, ma'am.**

20 **Q.** Can you estimate in that period of
21 time, which would have been from, say, '03
22 to '07, roughly therein, how many times you
23 administered the medical screening packet
24 which included the Suicide Screening

COMPU-TRAN SHORTHAND REPORTING

86

JOSEPH A. VASATURO

1 Guidelines?

2 **A. Estimate, 20 to 30. I'm not
3 positive on the amount.**

4 **Q.** 20 to 30 times in total?

5 **A. Right. I'm not positive on the
6 amount.**

7 **Q.** If that's the case that you
8 administered about 20 to 30 times, is it
9 typical that when you work the midnight
10 shift in the booking position, that you have
11 no inmates coming in at all?

12 **A. Sometimes nobody comes in.
13 Sometimes we're flooded. Sometimes there's
14 only one person. It's all different. Every
15 night, it's different.**

16 **Q.** On average when you worked the
17 four years on midnights doing the booking
18 officer position about twice a week, that
19 would have been roughly 100 times a year
20 that you performed that position? Twice a
21 week, 52 weeks, roughly 100 times; right?

22 **A. Roughly. I'm not sure how many
23 times I was in there.**

24 **Q.** If you carry that out over the

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

1 four-year period, you're talking somewhere
2 close to 400 times that you served in that
3 booking officer position in that four-year
4 period on midnights?

5 **A. Sure, with those numbers. Again,
6 I'm not sure how many times I was actually
7 in there.**

8 **Q.** Okay. Taking into consideration
9 those numbers, do you still believe that you
10 only administered the medical screening
11 packet, which included the suicide
12 guidelines about 20 or 30 times, or do you
13 think it's more than that?

14 **A. Ma'am, it feels like -- that's
15 what it feels like.**

16 **Q.** That's your best guess, right now,
17 or estimate, if you will?

18 **A. Yes, ma'am. I'm not sure how
19 many times I've given it.**

20 **Q.** Are you familiar with the company
21 called Americor?

22 **A. Yes, ma'am.**

23 **Q.** Do you know what, if any,
24 involvement they have in the Putnam County

COMPU-TRAN SHORTHAND REPORTING

88

JOSEPH A. VASATURO

1 Correctional Facility?

2 **A. They are the medical department
3 in Putnam County Correctional Facility.**

4 **Q.** That has been true the five and a
5 half years that you worked for the
6 department?

7 **A. No, ma'am.**

8 **Q.** Who was the medical provider prior
9 to that?

10 **A. I'm not positive who it was. I'm
11 not positive.**

12 **Q.** Do you recall when it was that
13 Americor came into Putnam County?

14 **A. I want to say they've been there
15 three years. I'm not positive on when they
16 came in.**

17 **Q.** Do you as a correction officer
18 ever interact with Americor employees as
19 part of your duties?

20 **A. Yes.**

21 **Q.** In what way?

22 **A. Escorting inmates to medical when
23 they need to go. When a new arrival comes
24 to the jail, the nurse will come up and look**

COMPU-TRAN SHORTHAND REPORTING

22 of 88 sheets

JOSEPH A. VASATURO

at them.

Q. When the nurse comes up to look at a new arrival, is that done in your presence?

A. No, ma'am.

Q. Where is that done?

A. Well, I'm there, but I'm not interacting with the conversation.

Q. But can you overhear it?

A. Yes.

Q. Any other interaction as a correction officer that you have with Americor employees on a regular basis?

A. When they bring meds, to deliver meds to the inmates.

Q. At the cell you mean?

A. In North Housing Unit, yes. You escort the medical around.

Q. Anything else, any other interactions?

A. No, ma'am.

Q. In terms of a new arrival coming into the facility, do you notify the Americor nurse that there is a new arrival

COMPU-TRAN SHORTHAND REPORTING

90

JOSEPH A. VASATURO

and they need to come up to see them?

A. Yes.

Q. In your observations and your ability to hear what the nurse does, what do you understand their role to be in the intake process?

A. They come up and they visit with the inmate. I'm not really positive what the role is. I would imagine make sure they're medically okay. I don't know.

Q. Do you interact with that nurse about each particular inmate that comes into the facility? For example, to let them know of your observations?

A. They're typically shown the screening.

Q. So they would -- the nurse would receive or be able to view, if you will, a copy of the entire packet that includes the suicide screening?

A. They get the suicide screening.

Q. They do get it?

A. Yes.

Q. When do they receive it?

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

A. After it's completed.

Q. While the inmate is still in booking?

A. The inmate could still be in booking. The inmate could be in their cell already, yes.

Q. At the time that the nurse comes to booking to assess the new arrival, do you show them or go over with them the medical form and the suicide screening form?

A. We show -- I typically give it to them. They run through it, and then they interact with the inmate.

Q. In terms of your experience in booking, does the Americor nurse communicate with you after they've done their assessment of a new arrival?

A. If they see a problem, yes, they will. If they don't see a problem, no, they won't.

Q. When you say "see a problem," how do you define that?

A. See a problem may be they feel they should be on a higher level of watch.

COMPU-TRAN SHORTHAND REPORTING

92

JOSEPH A. VASATURO

Q. Any other --

A. Maybe sometimes the inmate will come in with medication that they'll need.

Q. In your experience, has Americor employees who have evaluated new arrivals in booking, communicate to you their belief that a higher level of watch was warranted?

A. Yes.

Q. In those circumstances, have you concurred in what the Americor employee has indicated?

A. Yes.

Q. Do you know anything more specifically as to what the Americor nurse is required to do either by Putnam County or any other rule or regulation in terms of the inmate arriving to the facility?

A. I do not.

Q. Do you have any understanding as to whether the Americor nurse or other employees need to assess the inmate within a certain amount of time upon arrival to the facility?

A. I don't know their policies.

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

Q. The screening or assessment takes place during the booking process?

A. Yes, ma'am.

Q. As a correction officer, are you required to consult with the Americor staff prior to making a decision on what level of watch is warranted?

A. No, ma'am.

Q. Are you required to consult with the Americor staff prior to making a decision on housing, cell assignment?

A. No, ma'am.

Q. Is there also a jail physician, if you know?

A. I believe there is, yes.

Q. Do you know who that is?

A. I'm under the impression it's Dr. Neshawad (ph).

Q. Have you ever had communications with him?

A. No.

Q. In connection with the booking process, have you ever had occasion to notify Dr. Neshawad directly or cause him to

COMPU-TRAN SHORTHAND REPORTING

94

JOSEPH A. VASATURO

be notified of any concern that you've come across?

A. We have mental health referrals. They are delivered to the sergeant. The sergeant okays it, and they're delivered to medical department. Where they go from there, I don't know.

Q. As the correction officer, you're not required to contact anyone for purpose of reaching Dr. Neshawad?

A. Not that I'm aware of. When a commitment comes to the jail, I notify medical. Medical will come up. They will look at the inmate.

Q. Have you known of any circumstances where Dr. Neshawad has been contacted by the Americor staff?

A. No, ma'am.

Q. In your experience in the booking process, out of the 20 or 30 times that you can recall administering the Suicide Screening Prevention Guidelines, out of those times, can you recall how many of them had a shaded box checked off?

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

A. I don't recall an exact number.

Q. Can you tell me if it was more or less than half of the times?

A. I don't recall how many times there was a shaded box.

Q. Do you recall if it was more than once?

A. I'm sure it was more than once. I don't have an exact count on it.

Q. Is there anything you can do to figure out roughly or a range of how many times?

A. Every medical I've done was delivered to the medical department. I don't know if they have copies. I don't know.

Q. In terms of the score of eight or higher on the Suicide Prevention Screening Guidelines, of the ones that you've administered, do you recall how many inmates did obtain a score of eight or higher?

A. No, ma'am, I don't recall. I would have to go through the ones that I've done. I don't recall.

COMPU-TRAN SHORTHAND REPORTING

96

JOSEPH A. VASATURO

Q. Is there anything you can do in terms of a range? For example, tell me if it's more or less than five times, more or less than 20 times without guessing?

A. No. I mean, no. I can't tell you for sure. I would have to look at them.

Q. In terms of the intake and booking process, is it fair to say that some of the inmates coming into the facility are experiencing drug and alcohol addiction problems?

A. That's fair to say.

Q. Again, in your experience as the booking officer, can you estimate for me in terms of a range or percentage, how often the inmates who come in have those types of issues?

A. Percentage, maybe half the time. I don't know.

Q. Are you familiar with any kind of programs that are offered to inmates for detoxification?

A. Through the medical department, no, I'm not.

COMPU-TRAN SHORTHAND REPORTING

24 of 88 sheets

JOSEPH A. VASATURO

Q. Do you as a correction officer have any role in those programs, if any exist?

A. If the inmate wishes to, say, attend one of the programs, and we refer them to the medical department.

Q. How would you know if an inmate wants to attend one of the programs?

A. Well, we have these medical forms on the housing unit. They would request a medical form. They fill it out and put it in the box. I wouldn't know until they go to the program.

Q. In terms of a new inmate, is there anything during the intake process or booking process that advises them of the availability of any kind of programs?

A. Nothing on paper, ma'am. If they would ask do you have AA, we would explain to them how it works.

Q. What would you explain to them?

A. I would tell them they come once a week. You sign up for it, and you would be able to go once you get classified.

COMPU-TRAN SHORTHAND REPORTING

98

JOSEPH A. VASATURO

Q. What about someone who's actively withdrawing from alcohol or drugs, are there any programs to assist them in terms of the physical effects or the mental effects of that withdrawal?

A. I don't know if Americor has anything in place.

Q. Are you aware of anything that the county has as a county employee?

A. No.

Q. Have you ever provided anything to any incoming inmates as part of the booking process as to what is available, if anything, on help with withdrawal?

A. If they ask for it, we'll take it -- withdrawal? I don't know. I don't know what Americor has in place. I don't know what they use.

Q. Were you ever provided with any kind of instruction or training as to how to observe if an inmate is having signs or symptoms of withdrawing from alcohol or drugs?

A. Yes, ma'am.

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

Q. Was that part of the in-service training that you received?

A. Yes, ma'am.

Q. Were you ever given any kind of training or instruction with respect to the timing of when withdrawal symptoms would appear in cases of drug withdrawal?

A. Yes, ma'am.

Q. What were you trained or instructed on in that regard?

A. 24/48 hours withdrawal.

Q. What does that mean?

A. I guess they would start to shake and show signs of withdrawal.

Q. That would be 24 to 48 hours after their last use of the substance?

A. Yes, ma'am.

Q. In terms of your position as a correction officer on any post, have you ever been required by any policy or practice in the facility to follow-up on an inmate within that 24- to 48-hour period?

A. No, ma'am. They'd be on a 15-minute watch or constant watch.

COMPU-TRAN SHORTHAND REPORTING

100

JOSEPH A. VASATURO

Q. During the 15-minute watch, in your experience, do you evaluate the inmates on those watches for any signs of drug withdrawal?

A. Yes.

Q. What do you do?

A. We watch them a little closer. Look for the shaking. Look for if they're trying to hurt themselves. We get them more liquids for the dehydration.

Q. Anything else?

A. No, ma'am.

Q. Anything else that you look for in terms of signs of withdrawal?

A. No, ma'am.

Q. Anything else that you've been trained to look for in terms of any signs of withdrawal?

A. No. There's other signs. I don't recall them right now.

MS. BERG: I'd like to have marked as Plaintiff's Exhibit 2, a copy of Section III, Article 15 of regulations with respect to the Putnam

COMPU-TRAN SHORTHAND REPORTING

101
JOSEPH A. VASATURO

County Correctional Facility entitled
"Mental Health Evaluation and Service."

(Whereupon, Plaintiff's Exhibit 2,
SECTION III, ARTICLE 15, MENTAL HEALTH
EVALUATION & SERVICE, was marked for
identification.)

Q. I'll show you a copy of
Plaintiff's Exhibit 2. It consists of
several pages. On the bottom, for the
record, are the numbers 74 through 84
written in handwriting.

Have you ever seen that document
or any part of it before?

A. Yes, ma'am.

Q. Do you recall when you first saw
it?

A. These are the red books that I
received upon my hiring.

Q. Take a look, if you would, at the
first page of the document. It has two
sections, 15-1 and 15-2. Do you see that?

A. Yes, ma'am.

Q. If you follow Section 15-2,
Section A, booking officer; do you see that?

COMPU-TRAN SHORTHAND REPORTING

102

JOSEPH A. VASATURO

A. Yes, ma'am.

Q. That's the position that you
testified about earlier that you performed
on the midnight shift about twice a week?

A. Yes, ma'am.

Q. Under the booking officer's
responsibilities, letter B indicates,
"Administration of Suicide Prevention
Screening Guidelines, Form 330-ADM;" do you
see that?

A. Yes, ma'am.

Q. You see as Exhibit 1, that is the
form that we marked? It says it on the top
left.

A. Yes, ma'am.

Q. Is it your testimony that, in
fact, the Putnam County Correctional
Facility does not use that form?

A. A version of that form.

Q. But it's not actually that form;
correct?

A. This exact form, no.

Q. Do you recall how the Putnam
County form differs from the ADM-330?

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

A. I would have to read through all
these. Down here it differs. (Indicating)

Q. Where does it differ? At the
"action" section?

A. Yes.

Q. In what way does the form that
Putnam County uses, differ?

A. It doesn't -- our doesn't say
constant watch.

Q. What does yours say in terms of
action?

A. Total checks of, I think it's 16A
and B, to notify the supervise. Eight or
more is notify the supervisor. If you feel
necessary, notify a supervisor.

Q. Does it indicate if any shaded box
is checked, notify the supervisor?

A. If any shaded box is checked,
notify the supervisor. I know that I'm not
sure if it says it on there.

Q. The form that Putnam County uses
does not include a statement that constant
watch should be instituted?

A. No, ma'am.

COMPU-TRAN SHORTHAND REPORTING

104

JOSEPH A. VASATURO

Q. No, it does not?

A. It has which supervision do you
want. I believe it's 15 and constant watch.

Q. It doesn't say if there's eight or
more shaded boxes checked or if you feel
necessary, institute constant watch?

A. I don't believe so, ma'am.

Q. Is there a section on the Putnam
County form for --

A. I'm sorry. Which form?

Q. Putnam County's form.

A. Not that I'm aware of.

Q. Your answer is correct?

A. Yes.

Q. On the Putnam County form, is
there a section for the supervisor to be
notified anything saying yes or no or check
boxes?

A. Yes, there is, ma'am.

Q. How about anything for constant
supervision instituted, is that on the
Putnam County form?

A. There is a checkmark for constant
supervision if you would like to -- if

COMPU-TRAN SHORTHAND REPORTING

26 of 88 sheets

1 **JOSEPH A. VASATURO**
2 **they're placed on constant supervision.**

3 **Q.** Just to indicate that it's
4 happened?

5 **A. Yes. There should be mental**
6 **health referral on ours.**

7 **Q.** Anything else that you can recall
8 that differs from the form that Putnam
9 County uses?

10 **A. The top is a little different.**
11 **Instead of signing up there, I would sign**
12 **down here. (Indicating)**

13 **Q.** Anything else that you can recall
14 as you sit here today?

15 **A. No, ma'am.**

16 **Q.** Going back if you would to the red
17 book Article 15 on the page following down
18 where we just were Section III, "Immediately
19 notify the tour supervisor whenever a
20 prisoner, A, scores in the high risk, score
21 of eight in column A, or immediate referral
22 categories on the Suicide Prevention
23 Screening form."

24 Do you see that regulation or
25 rule?

COMPU-TRAN SHORTHAND REPORTING

106

1 **JOSEPH A. VASATURO**

2 **A. Yes, ma'am.**

3 **Q.** And you were aware that if an
4 individual scored eight or more in column A,
5 they were considered to be high risk?

6 **A. Higher risk, yes, ma'am.**

7 **Q.** This says high risk, not higher?

8 **A. High risk, yes, ma'am.**

9 **Q.** And the immediate referral
10 categories on the Suicide Prevention
11 Screening form, is that the shaded box?

12 **A. Yes, ma'am.**

13 **Q.** Section E of that paragraph three,
14 "Immediately notify the tour supervisor
15 whenever a prisoner appears to be
16 significantly under the influence of alcohol
17 or drugs;" do you see that?

18 **A. Yes, ma'am.**

19 **Q.** Did you ever receive any guidance
20 or direction as to what it means to be,
21 quote, "significantly under the influence of
22 alcohol or drugs"?

23 **A. No, ma'am.**

24 **Q.** Did anybody ever explain to you
25 how to determine whether or not the inmate

COMPU-TRAN SHORTHAND REPORTING

1 **JOSEPH A. VASATURO**

2 meets that threshold of being significantly
3 under the influence?

4 **A. No, ma'am.**

5 **Q.** If you would, turn to Section
6 15.4. At the bottom right, it says 78 on
7 the page.

8 Under procedural guidelines, it
9 indicates, "The captain or staff sergeant,
10 A, should ensure that at least active
11 supervision is provided to prisoners with
12 mental health problems;" do you see that?

13 **A. Yes.**

14 **Q.** What is active supervision?

15 **A. Active supervision is every 30**
16 **minutes. Up here it says every 15 minutes.**

17 **Q.** In terms of the written policy, it
18 says 15 minutes, but in practice, it's
19 actually 30 minutes?

20 **A. Active supervision, I'm under the**
21 **impression, it was every 30 minutes.**

22 **Q.** It says that, "The captain or
23 staff sergeant should determine if
24 additional supervision is required for a
25 prisoner whose condition, illness or

COMPU-TRAN SHORTHAND REPORTING

108

1 **JOSEPH A. VASATURO**

2 injuries warrant it;" do you see that?

3 **A. Yes, ma'am.**

4 **Q.** Earlier, you indicated that it was
5 actually the booking officer that made that
6 determination and the sergeant would review
7 it; correct?

8 **A. They would review it and**
9 **determine whether it's right or not.**

10 **Q.** So in practice in the Putnam
11 County Correctional Facility, it's actually
12 the booking officer who first makes the
13 determination?

14 **A. Yes, ma'am.**

15 **Q.** On the next page, Section III,
16 page 79, at the bottom right. "Tour
17 supervisor will, A, ensure constant
18 supervision is immediately provided for the
19 following types of prisoners - one, suicidal
20 prisoners;" do you see that?

21 **A. Yes, ma'am.**

22 **Q.** Did you have an understanding that
23 the tour supervisor, namely the sergeant,
24 had that responsibility to ensure that
25 constant supervision is implemented for

COMPU-TRAN SHORTHAND REPORTING

109

JOSEPH A. VASATURO

1 suicidal prisoners?
 2 **A. Yes, ma'am.**
 3 **Q.** Would the booking officer have any
 4 role in that or authority in that area?
 5 **A. The booking officer would go**
 6 **through it and make the recommendation. The**
 7 **sergeant would go through it and approve it**
 8 **or deny it.**

9 **Q.** With respect to suicidal
 10 prisoners, what's your understanding of what
 11 that means?

12 **A. A prisoner who wants to hurt**
 13 **themselves.**

14 **Q.** How do you, as a booking officer,
 15 as a correction officer, determine whether
 16 an individual is suicidal?

17 **A. Well, aside from asking them if**
 18 **they're going to harm themselves directly,**
 19 **interaction with them, I would say.**

20 **Q.** During the booking process?

21 **A. Yes, ma'am.**

22 **Q.** Did you ever receive any training
 23 or instruction that with respect to the
 24 Suicide Prevention Guideline form, if an

COMPU-TRAN SHORTHAND REPORTING

110

JOSEPH A. VASATURO

1 inmate scored eight or higher, they were
 2 considered to be suicidal?

3 **A. Higher risk, not suicidal.**

4 **Q.** That's what you were taught?

5 **A. Yes, ma'am.**

6 **Q.** Did you ever receive any training
 7 or instruction that with respect to the
 8 shaded areas, if an individual answered yes
 9 in those shaded areas on that form, they
 10 were considered to be suicidal?

11 **A. No, ma'am.**

12 **Q.** So, under the section of the
 13 regulation -- of the rules, with respect to
 14 the tour supervisor ensuring that constant
 15 supervision be implemented for suicidal
 16 prisoners, do you in your experience, define
 17 the term suicidal prisoner different than
 18 somebody who is at high risk for suicide?

19 **A. No, ma'am.**

20 **Q.** So to you, they're one in the
 21 same?

22 **A. No, ma'am.**

23 **Q.** How do they differ?

24 **A. If someone would come out and**

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

1 **tell me, I'm thinking of killing myself,**
 2 **that's self-explanatory.**

3 **Q.** That they --

4 **A. If someone is high risk, no, I**
 5 **don't consider it the same.**

6 **Q.** So suicidal in your opinion would
 7 be if somebody is expressing the intent to
 8 harm themselves?

9 **A. Yes.**

10 **Q.** And in terms of high risk for
 11 suicide, that would be if somebody scored
 12 eight or higher on the form?

13 **A. Not necessarily. I mean, they**
 14 **could score a three and still be a high**
 15 **risk.**

16 **Q.** But if they scored eight or
 17 higher, they would be a high risk?

18 **A. They're high risk.**

19 **Q.** And if they had the shaded boxes
 20 checked or any of them checked, that would
 21 be a high risk?

22 **A. Yes.**

23 **Q.** And if there was some other reason
 24 to determine them to be high risk in your

COMPU-TRAN SHORTHAND REPORTING

112

JOSEPH A. VASATURO

1 opinion, they would be classified as high
 2 risk?

3 **A. Yes.**

4 **Q.** In terms of your training and
 5 experience at either the correctional
 6 facility or even in the correction academy,
 7 were you ever instructed that individuals
 8 with a high risk of suicide should be placed
 9 on constant watch?

10 **A. No.**

11 **Q.** Did you ever receive any training
 12 or instruction with respect to New York
 13 State regulations which indicate that if an
 14 inmate is at high risk for suicide, they
 15 should be placed on constant watch?

16 **A. If they're at high risk for**
 17 **suicide, then yes. They would be placed on**
 18 **constant watch.**

19 **Q.** You were aware that the New York
 20 State regulations required that?

21 **A. Yes.**

22 **Q.** Is it your understanding that the
 23 form, the Suicide Prevention Screening
 24 Guidelines, is to determine whether an

COMPU-TRAN SHORTHAND REPORTING

28 of 88 sheets

JOSEPH A. VASATURO

individual is a high risk for suicide?

A. It is to determine whether or not they're high risk, yes.

Q. Under the section in the regulations on page 79, III-C, "Assure that active supervision is immediately provided for prisoners who are intoxicated by drugs and alcohol, but who do not appear to be a danger to himself or others."

In connection with that paragraph, do you have any understanding as to what the term active supervision means?

A. Yes. I understand what it's listed.

Q. What does that mean?

A. 15-minute checks.

Q. In terms of individuals who receive 15-minute checks, does this go back to what you testified about earlier, that if the individual is withdrawing from drugs, they would be placed on a 15-minute check?

A. Yes.

Q. You indicated earlier if an individual was withdrawing from alcohol,

COMPU-TRAN SHORTHAND REPORTING

114

JOSEPH A. VASATURO

they would be placed on a constant watch; correct?

A. They could be placed on constant watch or 15.

Q. In terms of the treatment of inmates who -- in terms of the level of supervision that they receive, if they're withdrawing from drugs and your understanding that they should be placed on a 15-minute check, where did you get that understanding from? Something in writing, some training you received, practice that's in place?

A. It's common practice that's in place.

Q. Would the same hold true then for your testimony with respect to how inmates who are withdrawing from alcohol are assigned supervision?

A. Yes.

Q. When was the last time that you had occasion to review the regulations that are before you, Article 15?

A. I have these -- these are in my

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

red books.

Q. When was the last time that you actually reviewed this?

A. Two days.

Q. Two days ago?

A. I reviewed the mental health -- the medical screening.

Q. Was that in preparation for this deposition?

A. No. I was trying to find -- I guess I was trying to find this, where it says --

Q. Exhibit 1?

A. -- where it says definitively that he needs to be a constant watch is what I was looking for.

Q. Was that because this deposition was coming up, that you wanted to look for that?

A. Well, no.

Q. Did you find anything that indicated to you that Putnam County required constant watch for an inmate who scored eight or higher on the suicide screening?

COMPU-TRAN SHORTHAND REPORTING

116

JOSEPH A. VASATURO

A. With a definite yes or no, no.

Q. Did you ask anybody about that?

A. I did.

Q. Who did you speak with?

A. I asked my Sergeant Jackson if she had known of any policies.

Q. That's Karen Jackson?

A. Yes.

Q. When did you speak with her?

A. Yesterday, I believe it was.

Q. Do you know if Karen Jackson had any role in providing suicide training to correctional officers in the facility?

A. I'm not positive.

Q. What did you say to her and she say to you?

A. I said sergeant, do you know of any policies that say if it's eight or above or any specific number, that it's definitely a constant watch.

Q. What did she say?

A. She said she would try to find it. I don't believe she found it.

Q. Did she ever get back to you to

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

indicate that she looked and couldn't find out about it?

A. Yes.

Q. When you were talking with her about any policies, were you talking about anything specifically such as the policies in the red book or something else?

A. No, ma'am.

Q. Were you talking about just any written policy or procedure?

A. Yes.

Q. Anything else that you said to Karen Jackson or that Jackson said to you?

A. No, ma'am.

Q. In terms of the North Housing Unit, are there certain categories of inmates that are assigned to that unit as opposed to others?

A. Administrative segregation inmates would be assigned there.

Q. Anything else?

A. Pending disciplinary action may be assigned there.

Q. Anyone else?

COMPU-TRAN SHORTHAND REPORTING

118

JOSEPH A. VASATURO

A. Unclassified inmates.

Q. So upon classification, would inmates be moved sometimes from the North Housing Unit-1 to another location?

A. Upon classification, yes.

Q. If the inmate was on a 15-minute watch, would they be assigned to North Housing Unit-1?

A. Yes. North Housing Unit-1.

Q. If the inmate was on a constant watch, would they be assigned to a particular location?

A. North Housing Unit-2.

Q. Are all inmates in NHU-2 on constant watches?

A. 90 percent of the time, yes.

Q. In terms of constant watches, in your experience at the Putnam County Correctional Facility, how often has an inmate incoming into the facility been assigned to constant watch?

A. They're assigned quite often.

Two or three times a month maybe. I'm not sure of the exact numbers.

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

Q. Have you ever made a determination to place somebody on constant watch?

A. I'm not positive.

Q. Do you recall who taught the in-service training that you attended?

A. I believe Investigator Villoti.

Q. Was that on both occasions?

A. No. That was just one. With Lieutenant O'Malley.

Q. Do you recall ever taking an examination or a quiz or test, if you will, on the training you received regarding suicide prevention?

A. Yes, I believe there was a test.

Q. Do you recall when that was?

A. I believe there was one in '06.

Q. Were you --

A. Pretty much after every in-service, there's a little quiz.

Q. Were you ever instructed as part of any of your training or any other guidance that you were provided as correction officer at the facility, that there are certain times in an inmate's

COMPU-TRAN SHORTHAND REPORTING

120

JOSEPH A. VASATURO

incarceration that could increase the likelihood of suicide?

A. Yes.

Q. Such as after a court appearance?

A. Yes. After a sentencing or holidays.

Q. Were you ever given any training or instruction that there's an increased risk of suicide after an inmate has a visit, meaning an in-facility visit?

A. Yes.

Q. That was part of the training you received?

A. Yes, I believe so.

Q. Do you recall if when you attended the in-service training, if you were required to sign in on any kind of document indicating your appearance?

A. Could you repeat that?

Q. Were you required to do anything to sign in or document that you were at the training?

A. Yes.

Q. What did you have to do?

COMPU-TRAN SHORTHAND REPORTING

30 of 88 sheets

JOSEPH A. VASATURO

A. They pass around an attendance sheet, and you sign it.

Q. Were you required to sign out at the end of the session?

A. Not that I can recall, no.

Q. In terms of the training, did you receive any kind of certificate or document indicating that you completed that training?

A. I received a certificate from the basic correction school.

Q. But from the in-service training, did you receive any kind of certificate?

A. I don't recall that.

Q. Are there any policies or practices in place at Putnam County with respect to providing any kind of medication to individuals who are withdrawing from drugs or alcohol?

A. Not that I'm aware of. I don't know what Americor does.

Q. Turning your attention to May 19th and May 20, 2006, Spencer Sinkov was a new arrival at the facility late the night of the 19th into the morning of the 20th. Do

COMPU-TRAN SHORTHAND REPORTING

122

JOSEPH A. VASATURO

you recall when he came into the facility?

A. Approximately, 12:30.

Q. Do you have, as you sit here today, an independent memory or recollection of the intake process as it related to Spencer?

A. Yes.

Q. What do you remember about that process?

A. Mr. Sinkov came in. He was patted down by Officer Matias. He was placed in a holding cell.

Q. Were you the booking officer on that evening, on that shift?

A. Yes. I was housing/booking, yes.

Q. Why was he placed in a holding cell?

A. We were helping Investigator Portious with three other arrests. Fingerprinting, pictures.

Q. Is Matias an employee of the facility or sheriff's department?

A. Correctional facility.

Q. What was his position that

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

evening?

A. He was on one of the housing units. East or west. I don't recall which one.

Q. For how long was Spencer in the holding cell?

A. He was in the holding cell for approximately an hour.

Q. Did you have any communications with him while he was in the holding cell?

A. Yeah. We were talking with him.

Q. Do you recall what you said to him and what he said to you?

A. We were -- everything was lighthearted with him. We joked around with him.

Q. Do you recall anything that was said?

A. He was standing by the toilet trying to, I guess, urinate. I said if you have to concentrate that hard on it, it's not worth it. It was just a joke, and he started laughing and he sat down.

Q. Anything else that you can recall

COMPU-TRAN SHORTHAND REPORTING

124

JOSEPH A. VASATURO

saying to him or him saying to you?

A. While he was in the cell, no.

Q. Did anybody else say anything else to Spencer or did Spencer say anything to anyone else in your presence at any time while he was in the holding cell?

A. I'm not positive. I know the nurse came up --

Q. Who was the nurse?

A. -- spoke with him.

Peter Clark.

Q. Was that while he was in the holding cell?

A. While he was in the holding cell.

Q. Do you recall anything that Clark said to Spencer or Spencer said to Clark?

A. No.

Q. Prior to putting Spencer into the holding cell, did you speak with him at all?

A. No.

Q. Did Matias or anyone else say anything to Spencer in your presence?

A. Matias patted him down. He was giving him instructions to put his hands up.

COMPU-TRAN SHORTHAND REPORTING